

April 12, 2005

Docket No. TPI-T400C2Z1
Serial No. 10/694,640

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : William H. Beisner
Art Unit : 1744
Applicants : Michael J. Cima, Hongming Chen, J. Richard Gyory, Anthony V. Lemmo
Serial No. : 10/694,640
Filed : October 27, 2003
Conf. No. : 3998
For : System and Method for Optimizing Tissue Barrier Transfer of Compounds

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

TERMINAL DISCLAIMER

Sir:

The owner, TransForm Pharmaceuticals, Inc., of 100% interest in the above-identified patent application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 10/439,943, filed on May 16, 2003, of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event

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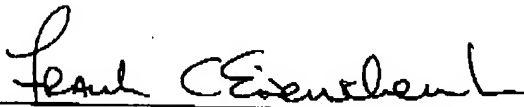
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that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

- ☒ I am the attorney of record.
- ☒ I authorize the Patent Office to charge the amount of ☒ \$65.00 (small entity)
- ☐ \$130.00 (large entity) for the terminal disclaimer fee under 37 CFR 1.20(d) to Deposit Account No. 19-0065.

Date

April 12, 2005

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